

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Universal Service Reform)	WT Docket No. 10-208
)	
Mobility Fund)	
)	

COMMENTS

of the

Southern California Tribal Digital Village

I. INTRODUCTION

The Southern California Tribal Digital Village ("TDV") hereby submits these comments in response to the Notice of Proposed Rule Making (NPRM).

TDV is a division of the Southern California Tribal Chairmen's Association ("SCTCA") a 501(c) 3 Non-Profit Consortium of 19 Federally Recognized Tribes located in Southern California. TDV provides broadband network services to 17 tribes in Southern California, including E-Rate subsidy for 15 tribal libraries, 7 Head Start programs, and 2 Tribal Schools. TDV also provides WISP services to the homes on 5 reservations (a total of 240 homes connected) and is building out services to the remaining 19 reservations (a total of 2700 homes) of the member tribes of SCTCA. These comments are the concerns of TDV.

II. COMMENTS

TDV believes that the Mobility Fund should be split into “Tribal” and “Non-Tribal” Mobility Funds. TDV believes that “Tribal” funding is necessary to address the specific issues that tribes face in relation to connectivity. It is a well-known fact that less than 68% of tribes have Plain Old Telephone Service (“POTS”) and broadband access is less than 10%. These issues that face tribes are restricting their ability to self-govern, and be self-sufficient and self-sustaining. We believe that this split should be in the range of thirty to forty percent of the funding allocated to tribal specific build-out. Unserved tribal communities can not be left without service again.

The Federal Communications Commission (“Commission”) needs to provide a mechanism to reflect tribal priorities for competitive bidding. This mechanism could be tribal priority for tribes or tribal organizations that are planning to provide service to themselves, and a tribal credit to be given to any non-tribal provider planning to bring service to unserved tribal communities. Tribes should be in charge of their own tribal credit, and be able to allocated that accordingly.

The Federal Communications Commission has publicly acknowledged the need to connect Native communities through the National Broadband Plan and

that funding is an issue.¹

In the National Broadband Plan the FCC stated:

*“Tribes need substantially greater financial support than is presently available to them, and accelerating Tribal broadband will require increased Funding.”*²

The Commission has clearly understood the need for broadband, and that it will be costly to tribes and that there needs to be increased funding to do so.

TDV believes that the Mobility Fund should be split into (2) separate categories to guarantee Funding does not leave tribes without access to this invaluable service.

TDV believes that there should be a mandatory tribal specific Mobility Fund and/or priority credit system to ensure that providers address issues on tribal lands that have been avoided.

TDV believes that tribes should be classified as “unserved” and “underserved” communities, and that definition should be allocated to them based on their lack of services, not based on their rural designation by some mileage determination or proximity to townships. If the service stops at the tribal boundary, then the tribe does not have access to that service.

TDV believes that a reverse auction should require a Tribal Priority for bidding and that providers should be required to be responsible for consultation with tribal governments, prior to obtaining Mobility Funding, within their service plan area that they are intending to obtain Mobility Funding. That communication should require providers to establish best

¹ See Federal Communications Commission, *Connecting America: The National Broadband Plan*, at 152, (rel. Mar. 16, 2010) (*National Broadband Plan*).

² *Id.*

practices for deployment of services to the tribal community and the needs of the community. That consultation should be required to be prior to any build-out and to be ongoing throughout the process of deployment. That consultation should require reporting to the tribal government what accomplishments were made and the status of the deployment.

TDV believes that the quality of service should not be sacrificed to deliver that service and claim “coverage” even though that service may be sub par.

We believe that the definition of broadband should be truly “broadband”, and similar to that which was defined in the NOFA for RUS, BIP applications in 2010, Round II. Services combined equaling 5 Mbps, i.e. 4 Mbps down and 1 Mbps up.

TDV believes that the Mobility Fund should be designated for 4G networks only and not support 3G network build out in tribal deployments or anywhere for that matter. It does not make sense to be allocating Funding to support tribes at speeds and services that are already determined as the “old” technology. Tribes should benefit from the already in deployment “new” opportunities that will soon be the standard platform for the non-tribal communities across the United States. If 3G networks are supported over tribal lands with the Mobility Funding, then 3G network access will continue to be the peak of performance over tribal lands as the upgrade to 4G will not likely take place without another push of Funding like the “Mobility Fun”. It is in our opinion that we should start with the highest possible performance network that is currently being deployed so that tribes are not immediately left

without the “new” opportunities as soon as 4G sweeps through the networks already established to the rest of the United States.

TDV believes that if there are credits to be given for reverse auction to obtain Funding for servicing tribal lands, service providers must be held accountable for broadband infrastructure and service deployment to tribal unserved areas.

TDV believes that service providers holding the spectrum license that fail to meet tribal consultation requirements with tribal governments on lands that they have obtained Mobility Funding, and failure to meet build-out requirements to service the unserved tribal areas should result in a forfeiture of the Mobility Funds received and the FCC should impose that the license holder disaggregate or partition the spectrum and permit the tribal government to acquire the spectrum license and build out the service area.

III. CONCLUSION

In conclusion, TDV recognizes the Commission’s interest in continuing its long-standing relationship with tribal governments and applauds the support of tribes in technology and access to communication resources and reminds the commission of the commitment to help tribes “seeking to promote self-sufficiency and economic development, as well as providing adequate access to Communications Services.”³

List of Comments in recap;

1. To allocate a portion of the “Mobility Fund” specifically for tribes.

³ *Statement of Policy on Establishing a Government-to-Government Relationship with Indian Tribes*, Policy Statement, 16 FCC Rcd 4078, 4080-81 (2000) (“*Tribal Policy Statement*”).

2. To create a mechanism to give tribes a credit or priority in services to tribal lands.
3. To give priority to providers that plan to service unserved and underserved tribal communities.
4. To require providers that plan to service tribal communities, with a restriction that there must be tribal government consultation prior to build-out to access Mobility Funding and that this consultation should be ongoing throughout the deployment. Failure to do so forfeits Mobility Funding and license of spectrum over tribal area.
5. To focus on 4G build-out over tribal reservations and not use dated technology that would leave tribes behind as the rest of the US progresses.

Southern California Tribal Digital Village (TDV)

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